

## MINUTES

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

June 1, 2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR. 05-00065HG  
CASE NAME: U.S.A. vs. SEAN SMITH  
ATTYS FOR PLA: Louis A. Bracco  
Jeff D. Rutherford, Case Agent FBI  
ATTYS FOR DEFT: Shawn R. Perez  
Pamela O' Leary Tower  
U.S.P.O.: Rosanne T. Donohoe

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JUDGE: Helen Gillmor REPORTER: Stephen Platt  
DATE: June 1, 2006 TIME: 1:30 - 2:15

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COURT ACTION: SENTENCING TO THE INDICTMENT -  
GOVERNMENT'S MOTION FOR DOWNWARD DEPARTURE -

The defendant is present in custody.

The defendant informed the Court that he does not object to Pamela O'Leary Tower standing in for Earle A. Partington as local counsel.

The Memorandum of Plea Agreement is accepted.

Allocution by the defendant.

The Government's Motion for Downward Departure is GRANTED.

ADJUDGED: Impr of 170 mos.

SUPERVISED RELEASE: 5 yrs upon the following conditions:

1. That the defendant shall abide by the standard conditions of supervision.
2. That the defendant not commit any crimes, federal, state, or local (mandatory condition).
3. That the defendant not possess illegal controlled substances (mandatory condition)

4. That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
5. That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the terms of supervision (mandatory condition).
6. That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
7. That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
8. That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
9. That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

Special assessment: \$100.

Advised of rights to appeal the sentence, etc.

RECOMMENDATIONS: Terminal Island, CA. That the defendant participate in drug treatment, educational and vocational training programs.

Submitted by: David H. Hisashima, Courtroom Manager